


Braille Monitor



MARCH, 1978

VOICE OF THE NATIONAL FEDERATION OF THE BLIND



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THE BRAILLE MONITOR

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NATIONAL FEDERATION OF THE BLIND

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THE BRAILLE MONITOR

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* * *

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* * *

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A FEDERAL COURT ORDERS ENFORCEMENT OF SECTION 504: ANOTHER VICTORY FOR THE ORGANIZED BLIND

The Office for Civil Rights (OCR) in the Department of Health, Education, and Welfare is the agency responsible for ensuring that those who receive federal funds offered through HEW programs comply with section 504 of the Rehabilitation Act of 1973, as amended. As its name suggests, the Office for Civil Rights is also charged with enforcing other non-discrimination laws such as title VI of the Civil Rights Act of 1964 (barring discrimination on the basis of race or national origin) and title IX of the Education Amendments of 1972 (barring discrimination on the basis of sex).

There are two major approaches in OCR's enforcement strategy: (1) investigation and (if possible) resolution of individual complaints and (2) compliance reviews to monitor the practices of recipients to ensure that the law is being obeyed. Both are essential. The former is especially important for individuals who encounter discrimination. It offers them the possibility of solving the problem without a costly (and often rather lengthy) court proceeding.

Most blind people have encountered some form of discrimination and worked it out on an individual basis. But sometimes this is not possible—hence the need to file a complaint or go to court. Almost without exception the remedy (if it is to do any good) must be swift in coming or opportunities will be lost forever. It has often been observed that justice delayed is justice denied, so it is critical that the process for handling complaints move expeditiously.

Even before the section 504 regulations were signed, but especially afterwards, it became obvious that OCR was not in a position to offer the kind of swift response demanded. By the time the regulations went into effect there was a backlog of nearly 250 complaints, none of which had been processed, and some of which were more than two years old. At least two—and probably many more—of these had been filed

by Federationists, but none of these people was receiving justice at the hands of the Office for Civil Rights.

On June 28, 1977, the Federation moved to correct this situation. We sought a court order directing the Department of HEW to process complaints and conduct compliance reviews and to maintain reasonable standards of promptness. So often litigation (although it is sometimes very expensive) is the only option available to us. Groups representing racial minorities and women had found this to be true. These groups had already secured court orders requiring OCR to take certain actions to enforce titles VI and IX and to take these actions in specified periods of time. It remained for someone to bring enforcement of section 504 within these court-ordered requirements, and who better than the NFB?

When OCR published a proposed plan of operation last summer, it planned to devote very few of its resources to section 504. This was because so many of its resources were needed to comply with previous court orders. Simply put, we found that to compete for our fair share of the staff time and funds of OCR, so that our complaints would be handled with some speed, we too would have to secure an order from the court. The alternative was to accept whatever resources for enforcement were left after OCR had met its obligations to other groups—in other words, it meant taking last place. This we were not prepared to do.

The nature of our June 28 action was to file a motion in federal court. We wanted to be allowed to become (in legal terms) a plaintiff-intervenor in the longstanding *Adams* suit. The *Adams* suit was originally brought to compel OCR to enforce title VI of the Civil Rights Act. Last summer, when Peggy Pinder worked as an intern in the NFB Washington Office, she helped us secure the volunteer services of Covington and Burling—one of the most prestigious

law firms in the country. The firm recognized the enormous importance of what we were undertaking, and it saw an opportunity to make a significant contribution in an area where the law is just developing.

In September our motion to become part of the *Adams* lawsuit was granted by the court and we were on our way. Soon the Office for Civil Rights, which really had no alternative but to try to work out an agreeable settlement, came to negotiate with us and the other plaintiffs. In late December these talks bore fruit, and on December 29 we agreed to and signed a court order which will form the basis for future OCR commitments to enforce section 504. Here is what we can expect to happen as a result of the order:

OCR has agreed to eliminate the backlog of section 504 complaints by the end of September 1979. All complaints already under investigation must be resolved by the end of March 1979.

The Department of HEW has agreed, and the Office of Management and Budget (OMB) has concurred, that it will seek 898 new OCR staff positions in 1978, in addition to the 1,000 positions it already has. This nearly doubles the OCR workforce. The court recognizes that even this will not enable OCR to clear up the entire backlog of complaints by October 1979, but OCR has agreed to seek even more resources for fiscal 1979 and to make a strong effort to increase its efficiency.

During 1978, OCR will conduct compliance reviews which deal only with section 504 (rather than with all the non-discrimination laws). This is particularly important since section 504 is a new statute and there are many questions about what it requires of institutions receiving federal funds through HEW. The compliance reviews devoted solely to section 504 will give OCR staff an opportunity to gain experience in this new area of law, and institutions which come under the law will get an idea of what they are expected to do. Until we entered this lawsuit, OCR planned to conduct no compliance reviews devoted solely to section 504.

All of these are the means OCR will use to catch up and to correct past delays in section 504 enforcement. But beginning in October 1980, other agreements will come into effect. These other agreements are the real heart of the court order. They are essentially what was called for in NFB Resolution 77-05 passed last summer in New Orleans.

After October 1, 1980, when you file a complaint, OCR must begin to investigate it within 15 days. Within 90 days after that, OCR must determine if a violation of the law has taken place. If the law has been broken, the guilty institution has 90 more days to correct the situation voluntarily. If it does not do so, OCR must take action to enforce the law. This must be done within another 30 days, or within 225 days of the date the complaint was originally filed.

In 20 percent of the complaints, the Director of OCR may suspend this schedule, but when this happens, the complaint must still be completely resolved by the end of the fiscal year following the fiscal year in which the complaint was received. (In other words, if you file a complaint between October 1980 and October 1981 and the enforcement schedule is suspended, the complaint must still be resolved by October 1982.)

Beginning October 1, 1980, OCR must conduct enough compliance reviews to ensure adequate enforcement of section 504. Within 90 days after the beginning of a compliance review, OCR must determine whether the institution being reviewed is in compliance with the law. If the institution is found to be out of compliance, it will have another 90 days to correct this. If this does not happen, OCR has another 30 days to begin action to force compliance.

Beginning immediately, OCR must notify people who have filed complaints of the action being taken on their cases and must report to them every six months until the complaint is resolved.

When the court order was agreed to by HEW and the various plaintiffs, the parties that were seeking enforcement of title VI and title IX agreed that the order would

cover only educational institutions. We did not agree to this. As a result, with respect to section 504, this order applies to *all* "entities" receiving HEW funds.

Clearly this order does not mean that everyone who files a complaint under section 504 will have action on it the next day or even the next week, although in some areas of the country fairly rapid action can be expected, particularly as the new staff comes on board. The advantage of the order is that we now have an equal claim to the investigative efforts of OCR. We cannot be told: "The court orders come first." We too have a court order and we cannot be ignored or pushed aside. Finally we are on track toward getting all complaints processed

within a reasonable period of time.

It goes without saying that our movement has produced another great victory. We played a key role in fashioning a workable regulation to enforce section 504. Now we are seeing to it that bureaucratic and budgetary obstacles are removed. Section 504 must be more than just a promise and a whisper—it must offer an effective remedy. To be sure it does we will have to remain forever vigilant. So far we have met the challenge; our movement is strong; its people are courageous. We must not falter or fall back. From our victories we gain strength to march ahead, and from our progress there will be many more victories and better lives for the blind. □

PROGRESS IN VIRGINIA; VICTORY IN THE MAGNOLIA LYONS CASE

by CHARLES S. BROWN

[Note: Mr. Brown is an attorney. He is the president of the Potomac Federation of the Blind and legislative chairman of the NFB of Virginia.]

On November 23, 1977, the Virginia Supreme Court issued an important decision involving the interpretation of the white cane law in the Magnolia Lyons case. (The background to this case was discussed in the May 1976 issue of the *Monitor*.)

Magnolia Lyons of Alexandria, Virginia, her son, and her guide dog arrived at the office of Dr. Eugene R. Grether to keep an appointment she had made with him. However, the doctor refused to allow her to remain in his office so long as she was accompanied by her guide dog. She was eventually forced to leave without receiving any examination or treatment.

Soon after the incident, Ms. Lyons brought the matter to the attention of the National Federation of the Blind of Virginia and to the NFB Washington Office. Believing that blind people ought to have the same rights to secure needed medical attention as sighted persons, the NFB quickly moved to take action. After discussing the matter with the doctor to no avail, we informed the

local commonwealth's attorney. Eventually Ms. Lyons filed a civil suit for damages against the doctor in the Virginia general district court in Alexandria. However, the district court dismissed the suit without a trial on the following grounds: first, that the doctor had no obligation to treat Ms. Lyons because he had not accepted her as a patient; and second, that the doctor's waiting room was not a public facility within the meaning of the Virginia White Cane Act.

Undaunted by this setback, Ms. Lyons appealed the decision to the Virginia Supreme Court. The NFB and the NFB of Virginia filed an extensive *amicus curiae* or "friend of the court" brief on Ms. Lyons' behalf. The result—the Supreme Court of Virginia unanimously reversed the decision of the lower court. Ms. Lyons is now entitled to a trial of her lawsuit, and if she is able to prove her case, she may receive monetary compensation for the damage done to her as a result of being unlawfully discriminated against.

The victory was significant for all blind people for a number of reasons. First of all, the Virginia White Cane Act is very similar to the Model White Cane Law developed by

the Federation some years ago. NFB state affiliates, including the NFB of Virginia, have succeeded in obtaining passage of the Model White Cane Law or laws similar to it in 26 states and the District of Columbia. Among other things, the white cane law states that blind people shall have the same right of access as other citizens to streets, sidewalks, government buildings, hotels, common carriers, and other public places and facilities. As far as we are aware, the Lyons case is the first time a court has interpreted such public places to include a physician's office (at least when a prior appointment has been made). The same principle would appear to apply equally to access to other types of professional offices.

We believe this ruling will be especially persuasive to the courts of other states which have passed white cane laws because it was a unanimous decision and because the opinion was written by Richard H. Poff, an exceptionally highly regarded judge with a national reputation.

It should also be remembered that while this case involved a person using a guide dog, the legal principles apply equally to all blind persons. Furthermore, as is true in many other areas of Federation activity, the physically handicapped will also benefit from our efforts here because the Virginia White Cane Act also applies to them (as do the white cane laws in many other states).

In upholding Ms. Lyons' lawsuit, the court in effect rejected the doctor's argument that, because the White Cane Act is a criminal statute, violation of the act could not be grounds for a civil suit for damages. If the court had accepted this argument, victims of discrimination outlawed by the White Cane Act could not obtain compensation no matter how great the injury caused by the violation.

The Magnolia Lyons case caused the NFB of Virginia to conduct a broad study of enforcement problems under the White Cane Act; and while the Lyons case was moving through the courts, we went to the Virginia Legislature and secured some needed amendments to the act. One of the amendments

was a provision for court injunctions against those who violate the act. This will permit courts in Virginia to put an immediate halt to future violations of the White Cane Act at the time they occur. In some cases we anticipate that injunctive relief may be more effective than resorting to the act's criminal penalties or bringing suit for damages. Criminal authorities hesitate to prosecute violators of the act, especially first-time violators. Suits for monetary compensation are useful mainly when the injury received is fairly extensive.

With the decision in the Lyons case and the new amendments to the White Cane Act, we now have an arsenal of weapons to use in fighting discrimination in Virginia. Nineteen seventy-seven was a year of real progress for the blind in our state. However, our battle against discrimination is by no means over. We, like Federationists in other states, are working to outlaw discrimination on the basis of blindness in the purchase of insurance. In addition, the Federation has become involved in another important lawsuit in the state. This time the issue is employment discrimination.

Mrs. Novella Trageser is a partially blind nurse. She has retinitis pigmentosa which has caused deterioration of her vision. In 1977 Mrs. Trageser brought suit in the federal district court in Richmond to get back her job at a nursing home in that city. According to the complaint she filed, pressure from state health officials resulted in her being forced out of her job as director of nursing at the home. Her complaint also states that there were no complaints that her blindness interfered with her work. In fact, she had been steadily promoted eventually reaching the important supervisory post she occupied at the time she was forced out.

The federal district court dismissed the case without a trial just as the state court had done in the Lyons case. This decision was then appealed to the circuit court of appeals. Last November, the NFB and the NFB of Virginia officially entered the case because we believe that Mrs. Trageser ought to have her day in court to challenge this

kind of arbitrary discrimination. There are several important legal issues involved in the case, including the applicability of section 504 of the Rehabilitation Act of 1973 which bars discrimination on the basis of handicap by facilities (such as the home in question) that receive federal financial assistance. The applicability of the Civil Rights Act of 1871 is also at issue.

The Trageser case is also important because it challenges the widely held stereotype that blind people cannot handle "certain jobs" no matter what the facts really are. We Federationists must work constantly to educate courts, legislatures, and the public in order to eliminate these irrational negative myths and stereotypes. We cannot expect others to do the job for us. □

D.B.P.H. INTERFERENCE IN KENTUCKY

The question of the best location for library services for the blind is not a new issue, but it has lately been heating up around the country. The organized blind believe that such services should be in a state agency for the blind. This makes it more likely that the personnel handling the services will be familiar with the special media involved and with the blind people who use the services. In addition, when the library program is in a state rehabilitation agency for the blind it may be eligible for more federal money. And it will benefit from the auxiliary services (such as volunteer transcribing programs) which are often associated with the state agency for the blind.

The opposite viewpoint is that library services for the blind should be part of the state library. The reason given for this is that library services for the blind and physically handicapped should be part of what is called "a regular library setting." This phrase conjures up an image of blind people being integrated into the mainstream of community life and reading and borrowing alongside their sighted brothers and sisters. Considering the facts, however, it is a concept which exists solely in the realm of rhetoric. Blind people can no more easily "drop in" and browse and borrow at the state library than at the state blind agency—less easily, in fact, since other purposes may take them to the rehabilitation agency. On the other hand, the small number of books available in each state means that books cannot be distributed to local libraries throughout the state without diluting the collection to

the point where borrowers could never get the book they want. On top of this, the staffs of state libraries generally have no knowledge of Braille and no expertise in dealing with the technical problems of tapes and records. Nor do they have any understanding of blindness.

The state libraries want to manage library services for the blind because it gives them the prestige of operating a larger program. Yet when the state library system is a large and active one, the library for the blind gets lost in the shuffle. And in cases—such as Kentucky—where the state library is a small operation, mainly acting as an archive for the state legislature, the library program for the blind—if properly carried out—would be a larger and more complex operation than all of the state library's other activities put together.

Frank Kurt Cylke, Chief of the Division for the Blind and Physically Handicapped (DBPH) in the Library of Congress, believes library services for the blind should be in the state library. At first, Mr. Cylke merely expressed his opinion; he did not try to foist it on the states. Then, at last summer's National Convention, it turned out that he had gone a step further. The discussion went as follows:

Harold Snider: During the past year, one of the primary legislative goals of the [D.C.] affiliate has been to introduce a D.C. Commission for the Blind bill to centralize services for blind persons. We worked awfully hard to get hold of City Council members

to have the bill introduced. Now you, sir, have done something which I believe is incongruous with your position as Chief of the Division for the Blind. . . . I believe, sir, that you have interfered with a political process that is not your responsibility. You were asked by Dr. Franklin, the head of the Martin Luther King Library in Washington, to respond to a question about whether the Regional Library should remain with the Martin Luther King Library or whether it should go—as we propose—into a commission. We believe the best place for a Regional Library is in a commission for the blind.

You wrote back indicating a preference that the Regional Library should remain in the public library in D.C. Now, sir, I would contend that as a federal official you have no right to write that kind of a letter which interferes with a local political process. Because what you have done is that you have sabotaged, or attempted to sabotage, a good bill which would provide services to blind persons in the District of Columbia. I'd like to hear your response to that.

Frank Kurt Cylke: Our policy, Harold, is never to interfere in the local area. We do not gratuitously comment on the administrative placement of a library for the blind and physically handicapped. However, when asked, we do respond. It is our position—and it's a two-fold position—that library service for the blind and physically handicapped is probably best located in an administrative setting which will support that library service. We believe that that setting is a library. Now, when asked, we give that response. When Dr. Franklin wrote us a letter and asked us what our position was, we expressed that position.

However, I will say at the same time that should the bureaucratic process proceed in the District of Columbia and that deliberative body make a decision or make a recommendation to have a library in another administrative setting, we would coordinate and cooperate with that group. But I do not believe that if we are asked for an opinion, we should withhold that opinion.

President Jernigan: Let me comment on that. Mr. Cylke, I was not aware of the fact of that. If it is the practice of the Division to write when asked—anybody can stimulate a letter or can ask for a letter—so if it is the policy of the Division to write and put itself into conflict with a position in the local political process whereby the blind are trying to get a library put in a different kind of setting, you invite political reprisals of a much broader nature on the Division, I can tell you that. And to somebody who was a federal employee who said not long ago to a statement we made, "Why that sounds like a threat," the answer is, "I believe you're trying to threaten me by saying that I'm making a threat to you." So you haven't said that, of course; I know.

Mr. Cylke: And I wouldn't.

President Jernigan: Of course you wouldn't; and we wouldn't threaten you either. That's simply sort of a promise.

Mr. Cylke: I hear you.

President Jernigan: I believe you. Okay. Harold, do you have other things?

Mr. Snider: No, sir. I just wanted to say that I defy Mr. Cylke to show me a library in an ordinary library setting that is as good as, say, the Iowa library.

President Jernigan: I don't think— Look, for my money, if the Library of Congress really makes a practice, and if I for one hear of their again writing a letter and saying a library ought to be in a library setting and so forth, in the midst of a political fight, then I should think we'd want to instruct the Chief of our Washington Office to begin to talk to some Congressmen about seeing if we could apply counter-leverage. You know, after all, a political process invites a political process.

Mr. Cylke: Mr. Jernigan, I'd just like to respond to Harold's point about Iowa; and I would direct everybody to the most recent report of the Iowa Commission for the Blind where my views were very clearly stated, I believe, and very fairly stated, about our view of the Iowa library.

President Jernigan: Okay. Barbara Beach?

Barbara Beach: One thing that we would like to know is, What are you planning to do, Mr. Cylke, in the way of improving the working together of consumer groups and libraries for the blind? Our position in Nebraska has not improved. Our Regional Library did not attend our state convention this year, and we still are having trouble. I would like to know what you are planning to do.

Mr. Cylke: Right now? After the previous words, where there was an indication of support from the group for Dr. Jernigan's statement to stay out of the political process in the states?

President Jernigan: Hear him out, please.

Mr. Cylke: That's a question mark following that statement. We will have to consider it. In other words, do we go into a state and—quote—interfere in the political process? I don't interpret it that way, but our position has been not to go in and mandate or demand but try to get people to work together and, if asked questions, voice our views.

Miss Beach: Okay. You already did answer some questions—some of a political nature—by your responses to Mrs. Warnholz's letter about the library as it is now and that sort of thing. So I think that you're already involved.

President Jernigan: Barbara, I meant my comments . . . not to involve specifically a situation where the Library has *already* put its weight on one side and against the wishes of the organized blind in that state. If that could be balanced out to a neutral position, yes. But it should not be left where it is if you can get him to change it.

This discussion was fairly candid. We thought we understood Mr. Cylke's position; and he seemed to understand ours. None of this prepared us for what happened last fall in Kentucky.

The issues of the *Monitor* for April and June 1976 describe in detail the efforts of

the blind of that state to salvage their programs for the blind. These programs were enmeshed in the bureaucracy of an umbrella agency. After a monumental effort, legislation was passed which brought together most of the programs for the blind in a fairly independent unit, the Bureau for the Blind. One part of library services—the talking-book machine repair and distribution program—which had been handled by Kentucky Industries for the Blind was, along with KIB, brought into the new Bureau for the Blind. The Regional Library, however, remained part of the Kentucky State Library. To quote the law:

There shall be created under the authority of the bureau, to be directed by the executive director, a division of technical services which shall distribute or sell technical aids, talking book machines, educational aids and other aids to the blind. This division shall provide educational materials such as recorded texts, braille or large type texts or such other materials as may be deemed necessary for the education of the blind. This division shall conduct research into the development of new technical and educational aids for the blind.

This is an example of the positive arrangement cited earlier: the talking-book machine program is in a setting where it can be bolstered by similar services to the blind. When you add to this that the division of technical services is under the supervision of T. V. Cranmer, who is nationally known for his work in the area of technical advances for the blind, it is clear that this part of library services for the blind in the state is well situated. As another indication, the machine distribution program reaches twice as many blind people as the Regional Library.

What happened last fall can best be told by printing the letters which went back and forth between officials in Kentucky and DBPH. First we have a letter from Karen Renninger, assistant for network support at DBPH. On August 25, 1977, she wrote to Adam Ruschival of the Kentucky Library for the Blind and Physically Handicapped. She said, in part:

"Ed Lewis and I have reviewed your memos and other correspondence concerning

sound reproduction equipment distribution in Kentucky. As Ed explained in his letter of November 15, 1976, to Mr. Charles Hinds, the Library of Congress prefers that books and equipment, regardless of format, be available to the reader from the same agency. . . .

"We know that this is a state matter that will have to be resolved at that level; we do hope, however, that Ms. Williams [the state librarian] will consider the consolidation of total library service to the visually and physically handicapped in Kentucky. We have encouraged such a consolidation in the past; the current proposed move provides an opportunity for this to take place. Your memo of July 19, 1977, to Mr. Veno is a good summary of problems encountered and anticipated.

"Ed will be available anytime after October 1 to visit and meet with those who would care to discuss this matter in detail. Please let him know if and when you would like to schedule his visit.

"Please do not hesitate to contact us again if we can be of further assistance."

Following this letter, Mr. Cylke wrote to Charles McDowell, Executive Director of the Bureau for the Blind, on September 26, 1977:

"DEAR MR. McDOWELL: On August 8, 1977, Adam Ruschival, Director of the Kentucky Library for the Blind and Physically Handicapped, wrote to us to solicit our opinion and assistance in his effort to make the machine agency function part of the regional library's responsibilities.

"As we stated in our letter to him of August 23, 1977, 'We know that this is a state matter that will have to be resolved at that level.' A copy of our letter is enclosed. We will support any local determination that conforms with state and federal laws.

"Please do not hesitate to contact me if you need further clarification of this matter. Our mutual intent, I am sure, is to provide the highest quality of library service to blind

and physically handicapped patrons.

"Sincerely,

"FRANK KURT CYLKE,
"Chief."

This was a peculiar letter, particularly considering the partisan tone of the Renninger letter sent along as an enclosure. It seems to say, "Despite all appearances to the contrary, we are keeping our hands off the situation." The oddest part is the reference to a "determination that conforms with state and federal laws." Federal law is silent on the subject, and state law says unequivocally that the talking-book machine distribution program shall be in the Bureau for the Blind.

In October 1977, the visit by Ed Lewis, equipment control officer for DBPH, took place. His report, in part, was as follows:

"On October 18-19, I visited the Kentucky Bureau for the Blind and the Kentucky regional library. . . .

"Since January 1975, every agency or library distributing sound reproducers has signed a written agreement with the Library of Congress. Now that the Kentucky Industries for the Blind is no longer involved, and the talking book machine distribution has been transferred to the Bureau for the Blind, the existing agreement is void. A letter is being sent to Mr. Charles Cox, Kentucky Industries for the Blind, terminating the agreement. This would be the appropriate time to enter into a full agreement with the Kentucky state library.

"After having discussions with Bureau for the Blind staff and regional library staff, and viewing the talking book library service in Kentucky, I recommend that the entire sound reproducer distribution be placed under the Kentucky state library. The consumer, having only one agency to contact concerning any aspect of library service, would certainly benefit tremendously. The Kentucky state library in my opinion is the best equipped agency to provide total service for the following reasons:

"(1) There is a well-organized staff

providing for service expansion.

"(2) There is no conflict of interest; the library has one goal, which is good library service to both blind *and* handicapped readers.

"(3) The library has a constant line of communication with its readers and the Library of Congress or the Southern Conference.

"(4) The library uses the Telephone Pioneers of Kentucky for equipment repair, allowing the library to have on hand equipment ready for assignment. The Bureau for the Blind does not use this resource for repair. Should their staff be ill or on vacation, then no equipment is repaired.

"Viewing the present situation I cannot conceive of any advantage to having the equipment separated and being distributed by two separate agencies. After returning from my visit to Kentucky I questioned our Technical Officer concerning the removal of cassette equipment from the Kentucky Industries for the Blind. The Technical Officer stated: 'My recollection of the situation is that Jack Perry was attempting to repair printed circuit boards in the General Electric machines issued during 1970. My assistant (then John Reiner) showed me several samples of boards that had solder bridges between the printed wiring. It was obvious that the work needed was too delicate for Mr. Perry to handle. Mr. Perry was requested to stop repair attempts on cassette circuit boards, and after several such requests, the distribution and repair of cassette equipment was reassigned to the Kentucky state library.'

"At present the Bureau for the Blind provides three staff positions for distribution of talking book machines. If this responsibility were transferred to the state library, only one full-time position would be needed. This certainly would benefit the State of Kentucky.

"The subregional library in Louisville should be a sublending agency distributing all types of sound reproducers. This would require under the present system the subregional library in Louisville to enter into

an agreement with the Bureau for the Blind for talking-book machines and the state library for cassette and combination equipment. The subregional library has the space, staff, and use of volunteers to provide library service and serve the consumers in the Louisville area. The state library will be signing an agreement with them for cassette and combination machine distribution. However, when this was mentioned in a discussion with Bureau for the Blind staff, some reluctance to follow this procedure was shown.

"In 1966, approximately 40 non-library agencies were machine-lending agencies, and today there are only 17. The national trend has been to place the service in libraries so that total library service can be provided. Too often agencies refer to the talking-book library program as 'rehabilitation,' which it is not, and try to separate the equipment from the books. The books are nothing without the equipment, and the equipment is nothing without the books. Although they are two separate physical items, they are really one.

"Again I recommend the talking-book machine distribution responsibility be transferred to the Kentucky state library.

"EDWARD J. LEWIS,
"Equipment Control Officer."

This report was dated November 8. The very next day, Mr. Cylke sent the following letter to Charles McDowell, Executive Director of the Bureau for the Blind:

"DEAR MR. McDOWELL: Mr. Edward J. Lewis, Equipment Control Officer, of our division, visited Frankfort October 18-19 and met with staff of the Bureau for the Blind and the Kentucky State Library. He also met with Mr. Wendell P. Butler, Secretary of Education and Arts Cabinet, and Ms. Barbara Williams, Kentucky State Librarian. Enclosed is a copy of his report.

"Since Mr. Lewis' visit to Kentucky he has brought to my attention the problems that already exist and those that will occur in the future.

"I agree with and support Mr. Lewis' recommendation of placing total service in one

agency. His report states that the Kentucky State Library is best equipped to provide quality library service which includes equipment distribution. We prefer that this matter be resolved at the state level; however, should the situation remain as is, resulting in a deterioration of service, then we will have no choice but to remove the talking-book machine distribution responsibility from the Bureau for the Blind.

"We will appreciate all cooperation in resolving this matter. Please do not hesitate to contact me if further clarification is needed.

"Sincerely,

"FRANK KURT CYLKE,
"Chief."

Five days later, on November 14, Charles McDowell sent his reply, which was also signed by T. V. Cranmer. It was as follows:

"DEAR MR. CYLKE: I regret very much receipt of your letter of November 9, 1977, which on one hand avows that the distribution of sound equipment (?) is an internal one and should be resolved at the state level while on the other hand unequivocally recommends that the talking-book machine distribution program be taken away from the Bureau for the Blind and assigned to the Department of Libraries. Mr. Lewis' report is filled with misinformation; this office had no prior knowledge of his arrival in our state nor did any executive above the supervisory level have an opportunity to meet with him. Furthermore, at one point while he was here, it was agreed that Ms. Page would set up an audience with Mr. Lewis and Mr. T. V. Cranmer, Director, Division of Special and Technical Aids. This required a rearrangement of schedules. However, it did not result in a meeting because Mr. Lewis called 30 minutes prior to the scheduled meeting to cancel. On the other hand, since no prior notice was given of his arrival, I personally was unable to meet with him or make any arrangements for any director-level person to meet with him. It is also abundantly clear that Mr. Lewis felt that it would be of no value to have a meeting since

he had formed his opinion on the matter long before coming to our state.

"The talking-book machine distribution by the Bureau for the Blind is a matter of law, Kentucky Revised Statutes 163.470. We are under a legal obligation to comply with the requirements of this law as well as [under] an obligation to defend it.

"The alleged deterioration of programs in our state is not substantiated. We dismiss the allegation that Kentucky's services have deteriorated since the establishment of the Bureau for the Blind as a completely unsubstantiated and irresponsible charge. On the contrary, we believe that we have an outreach program through our counseling division that will assure greater distribution of talking-book equipment without delay. While our records indicate a distribution of 4,200 machines in the field, the library is only serving 2,200. Where then would you suppose that the stronger outreach program exists?

"The recollections attributed to John Reiner with regards to the transfer of cassette machine distribution do not agree with any information that we have at hand. If you have documentation of this nature, please forward it for our consideration.

"It is my sincere hope that you will not presume to rewrite the laws of the state contrary to the wishes of those who are charged with its administration."

Mr. McDowell's letter was mild in the circumstances. He says that Mr. Cylke "unequivocally recommends that the talking-book machine distribution program be taken away from the Bureau for the Blind." and that the "alleged deterioration of programs in our state is not substantiated."

This understates the shiftiness of the Cylke letter. Mr. Cylke writes that Mr. Lewis "has brought to my attention the problems that already exist and those that will occur *in the future*." Then he says: "however, should the situation remain as is, *resulting* in a deterioration of service, then we will have no choice but to remove the talking-book machine distribution responsibility

from the Bureau for the Blind."

Mr. McDowell asks in vain for substantiation of program deterioration. Mr. Cylke is acting on the assumption that the present arrangement will result in deterioration. Nor is he willing to wait and see. He says, "should the situation remain as is, . . . we will have no choice." This is more than a recommendation, it is more than a threat, it is—to use Mr. Cylke's own words—a mandate, a demand.

How does this sit with Mr. Cylke's previous statements? At our Convention he said: "Our policy . . . is never to interfere in the local area," and he went on to say that, whatever his own opinion, DBPH would cooperate with the decision of the local government. Now he tells Kentucky that its laws must take second place to the DBPH decision, and he has the gall to write: "We will appreciate all cooperation in resolving this matter."

At the Convention, Mr. Cylke also said: "our position has been not to go in and mandate or demand but try to get people to work together and, if asked questions, voice our views." And in his September 26 letter to Mr. McDowell he wrote: "We will support any local determination that conforms with state and federal laws."

Mr. Cylke's whole line of actions is disturbing. We will leave to one side his arrogance in believing that the opinion of a federal employee takes precedence over state law. That is a matter which officials in Kentucky are no doubt well able to deal with. What is disturbing to us is the shady route Mr. Cylke took in an effort to reach his goal of transferring library services to the state library. The early letters to officials of the state library make it clear that the library asked DBPH for help in getting control of the talking-book machine program. In fact, Mr. Cylke stated that the director of the Regional Library "wrote to us to solicit our opinion and assistance in his effort to make the machine agency function part of the regional library's responsibilities."

From then on, the correspondence is

filled with claims that DBPH would not think of interfering. But look at what happened. Ed Lewis visited Kentucky and cooked up a report. The report was not an objective appraisal but a piece of special pleading. Empty rhetoric—"the library has one goal, which is good library service to both blind and handicapped readers"—is followed by historical reflection—"The national trend has been to place the service in libraries so that total library service can be provided." There is hearsay, third-hand hearsay at that—Mr. Lewis talks to his technical officer who recollects something his former assistant brought to his attention. There are even efforts to save the State of Kentucky money by reducing the program staff from three to one—surely a remarkable consideration in a report that also claims to be concerned with "service expansion."

This report has all the earmarks of cooked-up evidence. Mr. Cylke had made public promises not to interfere in local politics. So when a state library requests "assistance" in building its empire, Mr. Cylke arranges for a report. He is so disturbed by what he hears that suddenly he "has no choice" but to interfere.

As Dr. Jernigan pointed out at the Convention, anyone can generate a request for an opinion. Had he imagined what would be the next step, he might well have added that anyone can generate a report and, when the report comes in, pretend to be forced to interfere.

In the past we have had differences of opinion with Mr. Cylke. But we have always had communication—and candid communication—that enabled us to work out an understanding. This Kentucky situation, however, seems to be a new departure. Mr. Cylke has become an observer of the letter of his agreements and to have a bent for the logic of convenience. He writes statements such as: "We prefer that this matter be resolved at the state level; however, should the situation remain as is, . . . then we will have no choice . . ."

Mr. Cylke is proving to be, in the words of the old phrase, a man to watch. □

WELFARE REFORM: SAME OLD THEME, SAME OLD PROBLEMS

by JAMES GASHEL

Tradition seems to dictate that anyone who campaigns for the Presidency of the United States must promise the American people that he will reform the welfare system, and Jimmy Carter was no exception. Shortly after taking office, President Carter announced his intention of producing a welfare reform plan by May 1, 1977; but when the date came, the plan didn't. The excuse was that the problem is too complex; more time was needed for study. Three months later (on August 6) the new program was unveiled; but strangely enough it looked just about like proposals of previous administrations. There were a few new wrinkles here and there, but not many. Some in Washington wondered why the delay—did it really take the new officials that long to locate the old proposals?

The Carter welfare reform plan is titled the Better Jobs and Income Act. Described in general, the plan would combine the AFDC program (Aid to Families with Dependent Children) and SSI (Supplemental Security Income), which provides cash assistance to the aged, the blind, and the disabled. The plan calls for a work requirement and it divides recipients into two categories—those who are able to work and those who are not. It is presumed that the aged, blind, and disabled fall into the category of those who cannot work, so a higher level of basic cash assistance is offered to these groups. Those assumed capable of work would receive a lower level of cash assistance. At the same time, they would participate in a federally backed jobs program.

In several respects this new plan violates principles previously sought and won by the organized blind. Some of the major problems with the plan are as follows:

(1) As indicated, the plan combines AFDC and SSI into a single cash assistance program for all poor people. Inevitably this will mean that special needs will be overlooked. The needs of categorical groups, such as the

blind, will be lost under the general rules, many of which are aimed at the presumed chiselers and cheaters. Dividing the poor into the two groups mentioned earlier is an example of this. During the last round of welfare reform, the aged, blind, and disabled were scrambled together in the SSI program, and we have had to struggle to maintain responsiveness to our particular circumstances. The scrambling must not be allowed to go any further.

(2) The presumption that the blind cannot work is false. It flies in the face of our efforts to secure meaningful work incentives and rehabilitation programs. The Carter welfare plan offers the blind a cash benefit and it requires that they be referred to vocational rehabilitation, but it does nothing to offer a job. The jobs program is reserved for those who are presumed capable of work. We reject this presumption of our incompetence. What about all this talk of equal rights for the handicapped and affirmative action employment? These phrases have a hollow ring next to this "reform" of the welfare system.

(3) One result of the presumption that the blind cannot work is a cutback of the work incentives presently in the SSI program. At a minimum, an adequate package of work incentives must contain the following: (a) There must be an amount of earnings that are exempt and that do not reduce the cash assistance payment. (b) When earnings go above this amount, the cash assistance payment should be reduced on a sliding scale. For every dollar of earnings above the exempt amount, the assistance payment should be reduced by no more than 50 cents. (c) Work-related expenses should be deducted from earned income. There are certain expenses which are necessary for a blind person to hold a job, and this money is not available to meet personal needs. And (d), income received in connection with efforts to fulfill a plan for self-support (such as the maintenance students receive

from vocational rehabilitation) should be exempt. Through our labors in Congress after Congress, all of these work incentive features are in the SSI law. Only one of them (the sliding scale reduction) is in the Carter proposal. This would mean that every dollar a blind cash assistance recipient earns—beginning with the first dollar—would reduce his or her grant.

(4) Relatives' responsibility, a "poor law" concept that we have long resisted (and with considerable success) is back in with this proposal. The Carter plan focuses on the family as the eligible unit rather than the individual. An individual's need, and hence the amount of cash assistance if any, is governed by the overall need of those who occupy the same household, especially family members. One result of this would be that the cash assistance paid to a blind person would be reduced by 50 cents for every dollar earned by his or her spouse. This would have a crushing effect on the incentive to work, not to mention the blow to personal dignity—and all in the name of strengthening the family.

(5) The Carter plan would lower the amount of personal assets (such as cash in the bank, savings accounts, or stocks and bonds) that can be retained without lowering the cash assistance grant. Present law allows an individual to keep \$1,500 (\$2,500 for a couple) without any effect on benefits. If you have more assets than this amount, benefits are terminated. Under the Carter plan, benefits are affected as soon as assets reach \$500. They are then reduced on a sliding scale until you have assets of \$5,000, at which point benefits cease.

Another proposal in the Carter plan is related to this. Eligibility for cash assistance (and the amount payable) would be based on income you may have received six months earlier. This presumes that income received during the previous six months is still available to meet current living expenses, so the cash assistance grant can be cut accordingly. Nothing like this is found in present law, and thank goodness.

(6) The cash assistance grant is none too

generous—\$2,500 a year for an aged, blind, or disabled person living independently as an individual, and \$3,750 a year for a couple living independently. When you consider that if this proposal is adopted, the food stamp program will be terminated, it is not hard to see that the benefit being offered is comparable to (or, in some cases, lower than) what the SSI payment will be in 1982 (assuming the present rate of annual cost-of-living increases continues).

(7) The Carter plan would increase the basic cash assistance grant to keep pace with inflation, but these increases will be limited to years between 1977 and 1982. These increases are to ensure that the announced benefits do not decrease in value before the plan goes into operation. For years after 1982 no increases are proposed. This is a major change. Present law, in most cases, protects recipients against the steadily rising cost of living. Automatic cost-of-living increases are universally accepted as equitable, so it is hard to believe that any administration would propose otherwise.

These are only a few of the problems with the Carter welfare plan, and thank goodness it is only a proposal. The House of Representatives has established a special committee to review the administration plan and to work out a bill that might have a chance of surviving the legislative process. Hearings were held last fall, and the voice of the Federation was heard loud and clear. Our representatives testified at each of the field hearings held in cities from coast to coast, as well as at the hearings conducted in Washington, D.C. What will become of this round of welfare reform no one can tell, but safety lies in vigilance and a willingness to speak out. Already there are signs that the Congress is responding—many of our suggested amendments have been accepted in the welfare reform committee's draft proposal. But we cannot afford to be complacent.

Our message must be firm and to the point. This welfare reform proposal must not stand as it is. As we said to the Congress:

"First, there is the invalid presumption

that people can be classified into categories of those who can and those who cannot work, and that this classification can appropriately be made on the basis of age, blindness, or disability, or the absence thereof. Secondly, the proposal looks at household units—not people as individuals. The individual has been forgotten in this welfare reform plan. He has been subordinated to the needs of the state, the federal government, and the computer.

"The administration argues that the purpose of this welfare reform proposal is to simplify the program, eliminating red tape and making it easier for people to get needed benefits. This will not occur under the plan. It is as bureaucratic as any other program, in fact, probably more so.

"Nor is this plan any more generous in meeting the needs of people. When you consider the reduced work incentives, the lower

amount of resources that can be retained before deductions are made in cash assistance, the cashing out of the food stamp program, and other reduction factors, you come out with a benefit comparable to that of the SSI program, which itself is none too generous.

"The aged, blind, and disabled have nothing whatsoever to gain and everything to lose by being merged in this crazy quilt of welfare reform. If the objective is simplification, administrative convenience, and standardizing of requirements, all of these goals were achieved—at least to the most desirable extent—when the SSI program was created in 1972. The real need for reform in the welfare program is not in the programs serving the aged, blind, and disabled—that reform occurred five years ago. For SSI recipients, this proposal is not reform, it is retreat; and we reject it." □

DIALOGUE WITH DIALOGUE

by KENNETH JERNIGAN

DIALOGUE WITH THE BLIND,
Berwyn, Illinois, November 16, 1977.

Mr. KEN JERNIGAN,
*National Federation of the Blind,
Des Moines, Iowa 50309.*

DEAR KEN: You know, my friend, throwing missiles back and forth at each other is doing more harm than it can possibly do good. To use rhetorical excerpts from literature of the past to accentuate or belabor a point may arouse guffaws at a convention of those tuned into your exclusive wavelength, figuratively speaking, but it fails to convince those who see issues from another point of view.

In the Winter issue of *Dialogue*, I have led off with an editorial, so labeled, incidentally, as an editorial and not as a news item, with a "Plea for Unity." You and NFB have established yourselves as watchdogs over all efforts to serve the blind, and this is well. This is needed, and you should not end your vigil. But isn't it time for you and

NFB to say that you have proved your point. Now "let's sit down and work things out."

There are those in the field who have been hard to move, but anyone would be less than honest not to admit that your efforts have caused considerable improvement to have been made in services generally, and specifically, in many instances. To paraphrase your slogan, "They know who you are, and they know you will never go back."

Nevertheless, when two groups of individuals charged with resolving problems have opposing views it is imperative that they work out a compromise. While this compromise may not completely satisfy either group completely, the result is better than a total impasse wherein the constituency will suffer. For example, having ten seats on NAC's board is not realistic, and in fact, is illegal. NAC has its faults, and you have pointed out many of them to your credit, but having ten seats is not a matter

of principle, it is a matter for negotiation. There is no reason for any set number of seats to be assigned to any organization or agency—and it is equally wrong that the practice is used in selecting members from these agencies. Even though your membership is obviously greater than that of ACB, the ratio is hardly ten to one, and with both of your organizations evading requests for certification of membership, what basis is there for insisting on a total representation on the NAC Board?

In short, all this bickering and exchange of vindictives is creating far more harm than good. I listen to the public, to legislators, to the so-called unorganized blind, which in fact actually comprises the majority, and all are more than a little disgruntled by this childish war between organized minorities of the blind population. When a war is over, parties sit down to a peace conference and settle issues. Even the victors, with all the muscle on their side after a conquest, yield points here and there to arrive at an agreement all can live with. Can you not be big enough to do likewise? All could applaud your actions if you would do so, and the respect you would gain would carry much greater impact when sitting down to a peace table than your continuous irritating confrontation with nearly every agency and individual against you who is not associated nor in agreement with the policies of NFB. In fact, you have many who would dare to support you in a compromising situation who now must oppose you if you insist on taking all the apples. Think it over. Dream on it a little. Christ forgave us for our sins. Can you afford to do less than that with those who may have made poor judgments against us in the past, but are now willing to sit down and negotiate? I offer you the olive branch on behalf of those who would oppose you, not a flag of surrender. For the good of all who must live with blindness, can you not accept it with grace?

Sincerely,

DON O. NOLD,
Publisher.

NATIONAL FEDERATION OF THE BLIND,
Des Moines, Iowa, December 22, 1977.

Mr. DON O. NOLD,
Publisher, Dialogue with the Blind,
Berwyn, Illinois.

DEAR MR. NOLD: This will respond to your letter of November 16, 1977. You say: "You know, my friend, throwing missiles back and forth at each other is doing more harm than it can possibly do good." Anybody with any intelligence recognizes that whenever there is a war, there are casualties—casualties on both sides. Obviously missiles cause destruction, but I ask you to examine the record. The National Federation of the Blind has never attacked you except in response to your own aggressive actions. Examine your conscience and your magazine to see whether it is so. Treat us peaceably and with respect, and we will respond in kind.

One of the biggest problems is your continuing attempt to claim that *Dialogue* is the only independent voice in the field. As I have pointed out to you before, this is simply not the truth. You represent your own personal viewpoint and that of your organization. You tell the truth as you see it—in the context of your background, experiences, biases, and prejudices. This is exactly what the National Federation of the Blind does, and it is also what is done by the American Foundation for the Blind, the American Council of the Blind, and NAC. Unless you can come to live in the world of reality (recognizing that you do not have a corner on truth, wisdom, or even objectivity) you will likely be doomed to continue the frustration which you are apparently experiencing.

Let me now deal with some other items: You make a great thing out of the fact that the National Federation of the Blind is not willing to "certify" its membership list to you. We tell you that we have (according to our best count) something over 50,000 members. You tell us that you want us to hire an independent, outside auditing firm to go through all of the names and addresses and make a verification for you.

I wonder whether you are willing to abide by your own rules. In a recent issue of *Dialogue* I believe I saw the claim that you have 40,000 readers. Can you prove it? Are you willing to certify it? In other words are you willing to hire an independent, outside auditing firm to check all your names and addresses and to make enough spot check contact with the individuals to prove that you are not misrepresenting. It would, of course, be quite expensive, probably running into many thousands of dollars. It would also (according to civil rights court cases of the 1960's) likely be illegal for you to reveal the names and addresses without the consent of the individuals involved. Further, even if you could do it, it might be questionable whether this would be a good use of hard-to-get contributed funds.

What is true of *Dialogue* is also true of the National Federation of the Blind (and, I suspect, of the American Council of the Blind as well). Every member of one of our local chapters is, thereby, a member of the National Federation of the Blind. Every day people join, move, withdraw, or die. Without tremendous ongoing expense (and, I might add, pointless and unjustified expense) we cannot give a precise count of our members. Our best estimates are something over 50,000. What purpose would be achieved in trying to convince you of the validity of it all. Believe it or not as you choose.

We had well in excess of 2,000 members in attendance at our last Convention. We counted them. Your own representative was there. He can verify it. It is certainly reasonable to assume that at least 20 or 25 stayed home for every one who came. The Democrats or Republicans, the Lions or the Elks, the American Legion or the AMVETS, or any other membership organization would be delighted to have such a high ratio of representation at a national convention. Examine your conscience, and tell me whether what I have said is true.

Now, let me deal with another matter. In your letter you say of the National Federation of the Blind's wish to have meaningful

representation on the NAC Board: "having ten seats on NAC's board is not realistic, and in fact, is illegal."

This is one of NAC's standard lines of attack, and it is just plain nonsense. The American Foundation for the Blind, for instance, is a New York corporation. For many years (for all I know the practice is still followed) the Foundation routinely elected to its board the president of the American Association of Workers for the Blind and the president of the Association for Education of the Visually Handicapped. When there was a change in the presidency of one of those organizations, the new president was forthwith added to the Foundation's board. Of course, technically this is not the way it happened. Each time there was a change in the presidency of the AAWB or the AEVH the Foundation just happened to elect the person involved to serve on its board. Everybody understood what it meant and apparently nobody ever thought it was illegal.

This is all the Federation ever asked, and the NAC negotiating team which came to Des Moines in 1974 saw no impropriety in the suggestion and agreed to it. One of the members of that NAC negotiating team was Mr. Louis Rives, who is an attorney (in both senses of the word) and is now president of NAC.

If NAC had adopted the agreement which its own negotiating team unanimously accepted, the National Federation of the Blind would have "recommended" ten people for election to the NAC Board. The NAC Board would then have elected those ten people. How does this differ from what the Foundation has done for years with the AAWB and the AEVH? For that matter how does it differ from what NAC itself currently does? It asks for recommendations from organizations and then elects from the list. No, it won't do, Mr. Nold. The "legality" argument is a phony, good for technicality but not for reality or substance. Further, all of this has been explained to NAC before, so they cannot even plead ignorance, saying that they really did not understand it. (In

this connection I call your attention to my letter—copy enclosed—to Dr. John W. Feree under date of December 6, 1974.)

Mr. Nold, I find a good deal that is constructive in your letter—a recognition of the contributions which have been made by the organized blind movement and an understanding of the fact that “we know who we are, and we will never go back.” However, you repeatedly imply that we are not willing to sit down and negotiate with those who have opposed us. Of course, this is not the way it is. Any time any reasonable person or organization wants to talk to us about substantive issues, we are willing.

In the meantime (whether anybody likes it or not) we are not simply one more of the many agencies working in the field. The United Auto Workers stands in one position; General Motors, Ford, Chrysler, and American Motors all stand in another position. And in this situation there are the UAW and the companies—in other words two entities, not five. To complete the analogy, the UAW will not allow itself to be diverted by company unions or by the claims of the auto makers that there are quite a number of unorganized workers and that they (the companies) are entitled to speak for these workers and, consequently, cannot recog-

nize the UAW as the voice of labor in the auto industry.

No, Mr. Nold, it won't do. The National Federation of the Blind is truly the voice of the blind in this country. We know it; you know it; and the other agencies in the field know it. Their unwillingness to recognize it, their wish to hold themselves out to the public as the spokesmen for the blind, and their clinging to the old custodialism are the root causes of the conflict. Peace, by all means, Mr. Nold—but the peace of equals, not of wards or children. We know who we are, and we will never go back.

Very truly yours,

KENNETH JERNIGAN.

P.S.—Mr. Nold, I have said it before, and I say it once again: We have no quarrel with you or your philosophy (at least, none that I can determine). In fact, your pronouncements are more often perceptive than prejudicial, more likely to be innovative than rigid—in other words, more with us than against us. We would welcome you as a full-fledged partner in the battle to free the blind. Observe that I am not suggesting that you should be a tail to our kite or a second-class citizen in the struggle, but a respected colleague.

K. J. □

“INNOVATIVE” FUNDRAISING BY THE AMERICAN FOUNDATION FOR THE BLIND

The *Braille Monitor* for October 1970 contained an article titled “Minnesota’s Radio Talking Book.” It discussed the radio reading service that had begun broadcasting in that state three years earlier. Part of the article read as follows:

“Minnesota State Services for the Blind, Radio Talking Book’s chief sponsor, is responsible for overall management of the service and, more particularly, is responsible for preparation and presentation of material. . . . More than 85 volunteers supply both live and taped broadcasts in Radio Talking Book’s two studios. Organization of such

a service requires very careful planning and coordination. It requires that technical facilities be selected to produce a consistently high quality. It requires careful coordination of distribution and maintenance of receivers so that as many participants as possible can make use of the facility. Finally, it requires careful central coordination to ensure that all parts of the program work together to produce one effective whole.”

Minnesota’s was the first radio reading service in the country. It provided a needed service: it gave blind people access to local newspapers and journals as well as books

and other printed material not available in Braille or recorded form. The usefulness of the service has been demonstrated by the fact that in the 11 years since Minnesota began broadcasting, more than 70 other radio reading services have been started around the country. These are local efforts, often coordinated by the state agency for the blind, but local in terms of the material that is broadcast and in terms of the efforts to raise funds to keep the stations on the air.

In 1975, the American Foundation for the Blind (AFB) sponsored the first of three national conferences for people involved in radio reading services. At the 1977 conference, those in attendance formed a national organization—the Association of Radio Reading Services (ARRS). Although formed at an AFB-sponsored conference, the ARRS is independent from the AFB. More recently, the Foundation has been producing a packaged radio show called "Sound Track." And in July 1977, the Foundation created what it called "a permanent radio reading services unit."

This, as far as we can determine, is the extent of AFB's involvement in radio reading—three conferences and a packaged radio show. Compared to the healthy growth of radio reading services over a period of ten years due to the efforts of hundreds of people around the country, it does not seem like much.

But then, last summer, the Foundation sent out a direct-mail fundraising solicitation. We don't know the extent of the mailing, but it blanketed the Midwest. However large the mailing was, without question it invaded the areas served by local radio reading services.

The first part of the mailing was a letter from AFB executive director Loyal E. Apple. The letter read as follows:

"DEAR FRIEND: Did you know that more than a million severely visually impaired Americans cannot see well enough to read ordinary newsprint—even with glasses?

"The fact is that many people lose their sight as they grow older and, with it, their ability to keep in touch with the everyday

world. More than half the new cases of blindness in the United States are persons 65 or older. And the number of old people is increasing.

"Now through the pioneering efforts of the American Foundation for the Blind and other agencies serving the blind throughout the country, an exciting and innovative program is bringing a daily flow of print information back into the lives of those who can no longer read it for themselves.

"Called Radio Reading Services for the Blind and Physically Handicapped, this sub-carrier programming, heard through a special receiver, provides in-depth coverage of local and world news, complete readings of fiction and nonfiction, plus special material requested by listeners. More than 70 FM stations across the country now have a Radio Reading Services program.

"I cannot tell you how many blind listeners have written to say how thrilled they are to be up on everything again.

"AFB wants to help establish at least 150 RRS stations within the next five years and to place receivers into enough homes and institutions to reach several million blind and handicapped people.

"To do this, we need all the help we can get. Your help. A gift from you of \$50, \$20, \$10—whatever you can send—will help us to expand RRS and to maintain our many other programs that enable the blind to be a member of the community.

"I shall be grateful for your assistance.

"Sincerely,

"LOYAL E. APPLE,
"Executive Director."

Even those of us accustomed to the Foundation's tendency to regard itself as the prime mover in the field of blindness were taken aback by the claims in this letter. Even more shocking was its duplicity. Notice the careful phrasing in the sentence that reads: "Now through the pioneering efforts of the American Foundation for the Blind and other agencies serving the blind throughout the country, an exciting and innovative

program is bringing a daily flow of print information back into the lives of those who can no longer read it for themselves."

This statement is true, but only because it was indeed "other agencies serving the blind" that created the program. Using this technique, just think of what the AFB could have claimed. The sentence could just as truthfully have read: "Now through the pioneering efforts of the AFB and other private and public groups, an exciting and innovative program has put a man on the moon." The possibilities for misrepresentation are endless.

The sly phrasing of this sentence, though, is obvious by the one that reads: "I cannot tell you how many blind listeners have written to say-how thrilled they are to be up on everything again." The reason Mr. Apple cannot tell us is that any letters expressing this "thrill" were certainly not sent to the AFB; or if they were, it was by mistake.

The pamphlet sent along with this letter is straight out of the days of snake-oil peddlers. The pamphlet claims a good deal; in fact, it would be simpler to ask, What does it not claim? Yet notice the careful arrangement. The first part states that the AFB has "spearheaded" the drive for radio reading services. Then, rather than explain how, when, and where this spearheading occurred, the pamphlet describes the program itself, complete with poignant vignettes of its effects on the lives of "Mrs. S., an active club-woman" and "George B., a college student." What innocent member of the public, receiving this in the mail, would suspect that this fine program grew up totally unaided by the AFB? Who would suspect that this is just a program the AFB intends to help in the future?

Here, then, is the verbatim text of the pamphlet, titled "Radio Reading Services: A News Breakthrough for the Blind and Physically Handicapped":

"First Braille—then Talking Books—now Radio Reading Services! Once again, the American Foundation for the Blind is meeting a new challenge.

"This time, AFB is spearheading the drive to put the everyday world of print information back into the lives of people who once could read but now can't—the blind as well as those people who for medical reasons cannot read the printed word.

"Did you know that more than 70 percent of all blind persons are 55 years of age or over? And that about 80 percent of all blind persons were able to see at one time? For avid readers particularly, who lose their sight in later years, not being able to read can be so devastating a loss, they withdraw from family and friends and from community life.

"For these people, Radio Reading Services for the Blind and Physically Handicapped, an exciting and innovative program, is already making the difference between isolation and participation in today's world.

"How RRS Works

"Using a sub-carrier FM radio band, news and other print information is broadcast through a special receiver placed in private homes or institutions. The receiver is actually a small, one-station radio set and can only be obtained from the original point of programming for RRS.

"Volunteer readers are numerous enough to keep the station on the air for as many as 16 to 19 hours a day, seven days a week. Of course, a good deal of the material can be pre-recorded such as special articles from weekly and monthly magazines or current best-selling fiction and nonfiction, even Broadway plays.

"Of greatest interest to listeners, however, is the kind of in-depth news coverage that radio and television just don't provide. The day's big stories and the small ones—columns, editorials, special features, comics, announcements of local events, and most important in these days of high prices, supermarket specials and other household and clothing sales.

"RRS is completely consumer-oriented. A request for a homemakers show. Social Security information, job opportunities for the visually and physically handicapped, and

information on the rights of the elderly are all programmed locally. One of the ways AFB is helping RRS is by providing a monthly radio series—Sound Track. This program is distributed free of charge to 45 radio reading services nationwide.

"If you have any doubt about what a difference RRS can make, take a look at how it has changed the lives of a few typical listeners:

"Mrs. S., an active clubwoman, lost her sight seven years ago. Although she tried to continue her participation, she felt excluded from most of the conversation. Now, thanks to RRS, she is usually better informed than her friends and is even able to lead discussions about the events of the day.

"Mr. M., a lawyer, had always played the stock market. After he lost his sight, he felt too unsure about the current situation to continue making investments. Now, he not only gets the daily quotations, but his RRS station carries a complete Wall Street analysis. He has resumed his market activity.

"Mr. L., a retired chemical engineer, had been very much involved in his community's environmental problems. When he lost his sight, he was unable to obtain up-to-date information, and felt completely useless. Now, with RRS, he listens to the kind of articles that enable him to continue working with the town engineers.

"George B., a college student, lost his sight in an accident when he was a child. An excellent student, George found it easy to keep up with his studies. But at parties, he really couldn't contribute much to the conversation. With RRS, he knows what people are talking about when they mention a newspaper article or a new book.

"The Future of RRS

"Since the first Radio Reading Services went on the air in Minnesota in 1967, interest and support have grown to a point where, today, there are more than 70 stations providing this vital service. In addition, there is a trend, already in operation in Ohio, to develop statewide radio reading service organizations with members representing

technicians, consumers, and agencies who pool their expertise for better programming.

"Recognizing the need to bring together persons associated with the various RRS stations around the country for an exchange of information and ideas, AFB organized and supported the First National RRS Conference in 1975.

"This year, at its third annual meeting, Conference delegates formed a national association to serve as a clearing house for establishing, promoting, and expanding RRS information capabilities.

"RRS has been enthusiastically received wherever it is on the air. We are happy to say that AFB's support, made possible by gifts from our friends, has encouraged a long-range commitment to the program from the Corporation for Public Broadcasting as well as an expressed interest for future help from the Library of Congress.

"What Is Needed Now

"In order that AFB may continue to act as the keystone in building this service, consulting, programming, and matching grant funds in the amount of \$200,000 a year are needed.

"Your gift will make it possible for us to help individuals, agencies, and committees establish Radio Reading Services.

"You will make it possible for us to develop a model station here in New York which will make its technical, administrative, and program expertise available to other stations.

"And you will make it possible for us to package programs that can be sent to stations around the country—programs that deal specifically with information about blindness and blind persons.

"A gift from you today will make it possible for AFB to assist in the establishment of more than 150 RRS stations in the next five years and ultimately serve several million blind and physically handicapped persons."

This pamphlet is cleverly set up. The part that tells what the AFB is actually doing

is labeled "The Future of RRS." This implies that the previous parts of the pamphlet are what AFB did in the past.

This fundraising packet brought a sharp response from those involved in radio reading services (although one early response was from the Secretary of State of Nebraska, who wrote to Loyal Apple suggesting that the Foundation examine Nebraska's laws "dealing with illegal solicitation of funds"). Mr. Apple received a letter from Dr. James Nyman, Director of Nebraska's Services for the Visually Impaired. Dr. Nyman raised the point that not only are the AFB's claims misleading, but the whole solicitation packet will likely act to undermine the very services they claim credit for. Part of Dr. Nyman's letter, dated October 3, 1977, follows:

"DEAR GENE: A copy of a letter over your signature has recently reached me. It is a solicitation letter for contributions to support radio reading services for the blind. I am appalled by the claims made on behalf of the American Foundation for the Blind's role in the establishment of services of this kind, but I am more concerned that the AFB would invest a significant effort in fundraising on behalf of radio reading services in a way that can only be harmful to those locally operated radio reading services that depend on local fundraising efforts.

"I believe that you are well aware that the chief credit for initiating and demonstrating radio reading services belongs to Stan Potter in Minnesota. You make passing recognition of this fact in your brochure where you acknowledge that the first radio reading service for the blind went on the air in 1967 in Minnesota. Yet in your letter, you say, 'Now through the pioneering efforts of the American Foundation for the Blind and other agencies serving the blind throughout the country, an exciting and innovative program . . .'" To the best of my knowledge, the American Foundation for the Blind has not participated financially or otherwise in any significant manner in the establishment of any of the 70 or so radio reading services throughout the country. The role of AFB in

sponsoring conferences commenced only in 1975. There is nothing in either your letter or the accompanying brochure which would indicate that the AFB had only entered the field deep into its admittedly short history. The language of both your letter and the brochure are therefore misleading and this must be especially so to those individuals whom you target for purposes of contribution who, for the most part, will not be acquainted with the true history of radio reading services in this country. I can at the very least assure you that the American Foundation for the Blind played absolutely no role in the establishment of the service here in Nebraska in 1974, yet any potential contributor receiving your solicitation packet might very well be misled into the belief that it had been established by the American Foundation for the Blind; and moreover, there seems little doubt that it is your intention that targeted individuals reach this conclusion. The conclusion in turn is intended to bring forth a contribution to the American Foundation for the Blind on the assumption that this will somehow continue to be helpful to the service to blind persons in Nebraska. The American Foundation for the Blind is comparatively an old, well-established and well-endowed agency, especially in contrast with locally operated, relatively new and not overly endowed struggling services of this kind. In the competition for contribution dollars, I believe that the advantage will lie with the better known rather than the lesser known agency. To this extent, the AFB efforts to raise funds in Nebraska will be harmful to the provision of a radio reading service in this state. I suspect that this might be so in other parts of the country as well."

Loyal Apple sent back a note acknowledging the receipt of Dr. Nyman's letter. Then he responded to it on November 3, as follows:

"DEAR JIM: This is a follow-up to my letter of October 11, responding to your October 3 letter questioning an AFB fundraising appeal package that pertains to radio reading services.

"That pamphlet and letter dealing with radio reading service were part of a limited test mailing which was done. It will not be used for a formal mailing this fall and we have not made a decision as to its use in the spring.

"I will review the contents of the pamphlet to ensure that it is clear and that we do not claim more than we are entitled to claim.

"I am pleased that you are alert with regard to clarity and honesty and fundraising practices. I hope that you will continue to make your views known especially with those organizations you know best and have the closest association.

"Sincerely,

"LOYAL E. APPLE,
"Executive Director."

The tone of this reply is what one would expect. At the time the solicitation was sent out, Mr. Apple surely knew that the validity of its claims were more than questionable. On November 18, Dr. Nyman sent Mr. Apple the response he deserved.

"DEAR GENE: Thank you for your letter of November 3 following up your earlier brief response to my initial inquiry. I am pleased that the AFB does not plan to mount a full-scale mail solicitation campaign this fall in support of proposed radio reading service activities by the Foundation. I would also say that I sincerely hope that the Foundation decides against a formal mailing of this kind in the spring as well. I expressed my reasons for not wishing to see the AFB enter the field in the manner contemplated by your solicitation letter and brochure in my previous correspondence, so I will not reiterate it here. I am not alone in this concern.

"I must confess to some perplexity over the last two sentences of your November 3 letter. You say, 'I am pleased that you are alert with regard to clarity and honesty and fundraising practices. I hope that you will continue to make your views known especially with those organizations you know best and have the closest association.' You

know me well enough to know that I am very much concerned with clarity and honesty in all matters, including fundraising, but I have no responsibility for fundraising for any organization other than the Nebraska Services for the Visually Impaired, and since this is a public agency, we speak of 'fundraising' as 'budget justification.' The Legislature of Nebraska would be very disappointed with me were I not scrupulous in the matter of honesty and clarity and would, moreover, possess very persuasive means of informing me of their disappointment.

"Yours sincerely,

"JAMES S. NYMAN."

Dr. Nyman was not the only one to protest. Here is a letter from Father Boniface Wittenbrink of the Radio Information Service in Belleville, Illinois. His letter indicates that letters of protest were also sent by Dr. Margaret Rockwell of the "Washington Ear," the radio reading service in the Washington, D.C., area, and by Stanley Potter, the man credited with originating radio reading services. Father Wittenbrink signed his letter, rather pointedly, "Founder, Radio Information Service." The letter read as follows:

"DEAR MR. APPLE: A copy of a recent appeal letter over your signature reached me. I'm referring to the letter seeking contributions to support radio reading services for the blind.

"Like Dr. James S. Nyman, Mr. Stanley C. Potter, and Dr. Margaret Rockwell, I too am appalled by the claims made on behalf of the American Foundation for the Blind's role in the establishment of services of this kind.

"I concur with the protests of both Dr. Nyman and Dr. Rockwell.

"We certainly appreciate the role of the AFB in sponsoring the three successful national conferences we have had thus far. But the brochure that accompanied your letter seemed to suggest that the AFB was seeking \$200,000 per year to establish 150 radio reading services in the next five years. To me, this appears both misleading and exaggerated.

"Unless the AFB decides to fund all the radio reading services nationally, please do not confuse potential contributors locally. We have a hard enough time paying the rent.

"Sincerely,

"BONIFACE L. WITTENBRINK, O.M.I.,
"Founder, Radio Information Service."

If the AFB had little part in building radio reading services during their first decade, what is the AFB role now? Well, there is the packaged radio show "Sound Track." A letter of protest from an official in the radio reading service of yet another state had this to say about "Sound Track":

"Last week, we received an issue of 'Sound Track.' Its entire content was devoted to a projection of the Foundation and its presumed role as the leadership agency in the field. It did not mention the Association of Radio Reading Services. We could not use it. We wonder if others without monitoring it first will use it and be unhappy they did."

Even if other installments of "Sound Track" are less self-serving, the program is still alien to the main purpose of radio reading services—which is the broadcasting of local news and untranscribed print material. But last fall, it turned out that "Sound Track" was just one part of the Foundation's planned new activities in the field.

In September 1977, a memo was sent out by the Foundation. It was addressed to "Radio Reading Services, National Public Radio, Agencies Serving the Visually Handicapped." The memo was from an Edward T. Ruch, and it read as follows:

"On July 5, 1977, the American Foundation for the Blind, acting with the authority of the board of directors, established a permanent radio reading services unit.

"This unit is the latest in a series of the Foundation's activities that demonstrate our long-standing commitment to the development, expansion, and improvement of radio reading services across the country. We regard the rapidly growing national RRS programs as a viable way to provide direct access to current information to those visually and physically handicapped individuals

who cannot read conventional print.

"The primary purpose of the unit will be to help communities to establish and develop radio reading services, and to assist existing radio reading service programs in their expansion and improvement of services. Our function will be: to act as a catalyst in bringing together appropriate elements of the community to organize RRS interest and activity; to operate as a national resource to collect and disseminate information re the various phases of operating a radio reading service; and to be available for consultation on problems that affect the organization and operation of an RRS program. Our proximity to all radio reading services by virtue of our being a national service, in addition to our access to appropriate AFB resources, can be a definite advantage.

"If you think that we can be of assistance to you please do not hesitate to get in touch with us—we look forward to working with you in the establishment, expansion, and strengthening of radio reading services across the nation.

"EDWARD T. RUCH,
*"National Coordinator,
 "Radio Reading Services."*

Note the impressive title Mr. Ruch uses. Rather than coordinator of the AFB radio reading services unit, he styles himself "National Coordinator, Radio Reading Services."

Receiving this memo and having received the fundraising packet, Richard Parker of the Nebraska radio reading service came to the natural enough conclusion that the AFB intended to help support RRS programs across the country. After all, the public was being asked to send their dollars for this purpose—or so it seemed. So Mr. Parker wrote to Mr. Ruch, in part, as follows:

"I want to congratulate you and the AFB for establishing your radio reading services unit. By [the statements in your letter] as well as your fascinating brochure and solicitation letter on behalf of radio reading services, I can only come to the conclusion that AFB is ready to provide financial assistance

to us so that we might be able to do all the things your letter and material included.

"For that reason, I afford you the opportunity to do just that and, I guess, in layman's terms, to put your money where your mouth is. We here at Radio Talking Book Service, Inc., need some \$35,000 a year to operate. I look forward to receiving the first \$35,000 from you so that it will free up other revenue sources of our own so that we might expand. I look forward to receiving your first annual check."

Mr. Ruch responded as follows:

"DEAR MR. PARKER: Thank you for your letter of October 27, 1977, in which you congratulate the Foundation for the establishment of its radio reading services unit.

"It is difficult for me to understand how you can interpret the context of my September 1977 memorandum to mean that the intention and purpose of the unit is to provide physical financial assistance toward the establishment of radio reading services. I believe that in your effort to react to our RRS brochure and fundraising program that you may have severely misinterpreted the purpose of my message. A careful review of the entire memorandum will show that there is absolutely no mention of financial contributions. It clearly states that our purpose is to provide information, consultation, and research services designed to aid toward the development and improvement of radio reading services across the country.

"If after you have reviewed my memorandum you still feel that financing is the objective of our service I would appreciate your indicating just where in the memorandum such is indicated. The memorandum and the fundraising material are two separate documents and should be understood in their respective contexts. One might say in layman's language, you should put your understanding where your emotions are, if we are indeed to have an atmosphere in which we can be of mutual benefit.

"I sincerely hope that if you ever have a problem that fits in with the several categories of assistance described in my

memorandum of September 1977 that you will without hesitation call on the unit for help, and we will do our best to work with you.

"I look forward to the possibility of working with you in the future.

"My best wishes for a most happy holiday season.

"Sincerely,

"EDWARD T. RUCH,
"National Coordinator,
"Radio Reading Services."

This is quite a revealing letter. Unlike Mr. Ruch's memo, there seems to be no possibility of misunderstanding his rancorous reply to Mr. Parker. He writes: "A careful review of the entire memorandum will show that there is absolutely no mention of financial contributions. It clearly states that our purpose is to provide information, consultation, and research services . . ."

Compare that statement with the conclusion of the fundraising pamphlet: "A gift from you today will make it possible for AFB to assist in the establishment of more than 150 RRS stations in the next five years and ultimately serve several million blind and physically handicapped persons."

More surprising yet is Mr. Ruch's statement that "The memorandum and the fundraising material are two separate documents and should be understood in their respective contexts."

Let us try to do what Mr. Ruch suggests. The first context is that of the fundraising packet. Here the AFB is attempting to raise money from the public by telling them their dollars will be used to establish 150 radio reading services in the next five years. The other context is that of the Ruch memorandum—or what the AFB will actually do for radio reading services. It will provide information and research but—heaven forbid—no money. The first context, or so it seems to us, is known as fraud.

Where *will* the money go? Loyal Apple tells us in his fundraising letter, although it would take someone with a pretty good

familiarity with the AFB to pick it up. He writes: "A gift from you of \$50, \$20, \$10—whatever you can send—will help us to expand RRS and to maintain our many other programs that enable the blind to be a member of the community." Of course, the AFB does have many other programs, and we know a number of them well. There is the National Accreditation Council—that one cost the AFB \$188,000 in NAC's last fiscal year. Then there is the underwriting of the *Braille Forum*, the magazine of the American Council of the Blind, the AFB's company union—that one cost \$20,000 last year.

Those two projects alone cost more than the \$200,000 the AFB said it needed to raise from the public. Yet in fiscal 1975, the AFB had income of more than \$6 million, and it ended that year with a balance of nearly \$17 million. But the AFB wanted more; it wanted the funds that support local radio reading services. It wanted to do research and provide information and fund its "many other programs." And despite all this—as you read in the February *Monitor*—the AFB wants to be known as the "most respected agency in work with the blind in the world." □

A LETTER TO THE EDITOR

December 21, 1977.

DEAR DON: I'm writing this little note because I have a question about some of the articles that have appeared recently in the *Monitor*. I just got through reading the December issue. Now remember that this is supposed to be the time of year for persons to get together and maybe mend some fences. I'm not saying that all the wounds can be healed and unity restored between us and the ACB, and I think I'm as strong a Federationist as anyone else, but why is it that every time an article is written that talks about Federation accomplishments and the efforts and victories of the organized blind movement, the writer feels a need to take potshots at the ACB?

Okay, so we're bigger, stronger, and, I suppose, better than they are; but isn't it enough to talk about the positive aspects of our work without having to point out the weaknesses of the ACB and other organizations in the field? I think this should hold true throughout the year, but certainly especially at this particular time of the year.

As I said, I'm certainly not defending the actions of the ACB, and I certainly have no plans to drop my affiliation with the Federation. I just don't see why we have to take every opportunity to take potshots at them.

As long as I'm writing this anyhow, I'll take this opportunity to wish everyone in the

Washington Office a very merry Christmas and a happy new year, and I certainly expect that there will be more good things for America's blind in the coming year.

Thank you for your attention to this little note, and I would appreciate some kind of response to my questions.

Sincerely yours,

[A FEDERATIONIST.]

January 10, 1978.

DEAR —: Let me answer your questions from a couple of points of view.

First, from the point of view of news reporting, it would be impossible to avoid what you call "potshots" and still report the news of the Federation. We are not alone in the field. Much of what we do is in response to direct attack from the American Council of the Blind or the American Foundation for the Blind or the National Accreditation Council. It would be hard to write an informative story about Pearl Harbor without mentioning the Japanese air force.

Even when we are not responding to a direct attack, we are usually working to counteract the general activities of the ACB or AFB or NAC. In the area of air travel (which was the subject of one of the articles in the December issue), there are two forces at work. One is the effort of the NFB to

get the airlines to treat the blind as competent people who can travel without danger to others. The other is the effort of the ACB to persuade Congress that so many blind persons are incompetent that the government ought to arrange for them to take along a free attendant. This is not a casual opinion of the ACB. I was present at an ACB national convention where Durward McDaniel made this the bulk of his yearly legislative report. He said, "This is the year for 2-for-1 airfare," the same way we might say, "This is the year for improved disability insurance for the blind."

Even as you were reading the *Monitor* article in December, two Federationists were being shown to their seats on an Eastern Airlines plane. There were blankets on their seats. When they asked the stewardess about it, she replied that the handicapped often cannot control their bladders. Beyond this, she went on, the blankets are used in evacuation!

Somewhere the airlines have picked up the idea that blind persons have limitations besides the absence of sight. It was not just ACB, of course; it was also some (and I emphasize the word "some") of the agencies, which justify their own custodial practices by reinforcing the traditional public image of blindness. But ACB supports these agencies and depends on them for its existence. In this case, a discussion of the ACB was not just a potshot. We chose our target carefully and, I think, accurately.

The same is true of the article on our victory in the West Virginia cafeteria lawsuit, which commented on the silence of the Randolph-Sheppard Vendors of America (the ACB group) in this and similar litigation. This was a report on a Federation victory, and it could have been written with no reference to anything but statutes and legal documents. But what was this a victory over? To an extent it was a victory over the National Mine Health and Safety Academy's doubt that a blind person can operate a cafeteria.

And yet, was it really? The academy has not changed its opinion as a result of the

lawsuit. When a blind person is given the chance to run the academy's cafeteria, opinion there may change. But it was doubts such as those possessed by the academy that made it necessary to pass the 1974 Amendments to the Randolph-Sheppard Act.

Then why were we in court? We were there because responsibility for enforcing the law was in the hands of the federal Office for the Blind. And the men who were running that Office—Douglas MacFarland and George Magers—were actively supporting the academy in its bid to deny the blind their rights. These men felt free to do this because they were sure of the support of such groups as the American Foundation for the Blind and the American Association of Workers for the Blind. And (because of its financial dependence on the American Foundation for the Blind) the American Council of the Blind is effectively prevented from speaking out. Even before ACB received direct financial support from AFB, it was supporting the interests that the Office for the Blind was protecting. These interests, needless to say, were not our interests. Blind people in general, and vendors in particular, ought to know about this and about the Randolph-Sheppard Vendors of America.

I doubt if you have problems with a number of the articles that have appeared in the *Monitor* since December. The article about the NAC meeting in Phoenix (in the January issue) has a good deal to say about the ACB. NAC claims it has "consumer participation" when what it has is ACB members on its board. As we see it, both groups are controlled by the AFB. In the February issue there is an article about the Columbia Lighthouse for the Blind in Washington, D.C. When the Federation picketed to protest subminimum wages in the Lighthouse workshop, the Lighthouse trotted out its token blind person to defend it to reporters. That blind person was a board member of the ACB. Are these potshots, or are they a necessary and legitimate part of the story?

I would go beyond this, though. What you call a potshot I would call an appeal to conscience, and I think this is among the

most valuable things the *Monitor* can do. The purpose of the Federation is to bring blind people to a belief in their own capacity to lead full and useful lives and to remove the barriers that prevent them from doing this. To accomplish this purpose, we must identify the barriers.

Perhaps our goals could be achieved through exclusive reliance on cheery articles and more recipes, but I doubt it. The barriers are maintained by an alliance of so-called "professionals" and "experts" who are constantly scratching each other's back and telling everybody how great they are—a sort of mutual admiration society that is not very admirable. On their side they have all the negative traditions of human history. Perhaps a thousand years of gentle persuasion could change this, but in the meantime the lives of generations of blind persons would be wasted waiting for the change. Have your own experiences as a blind person been such that you want to visit them on your children and their children? The alternative is to react strongly, label those who are negative as just that, and exhort each other to act in our own defense.

Parts of your letter suggest that the Federation criticizes the ACB simply because we are bigger and stronger. I wonder if you really believe this. We are not only bigger than the ACB, we are bigger than any other group in the field. Yet we don't attack randomly or with the carelessness of the bully. As Dr. Jernigan said in his 1976 banquet speech, "The vulture sits in the branches of a dead tree, and we see where the wings join the body." Many groups (in fact, an ever-increasing number) exist peacefully with the Federation. Many agencies in work with the blind have earned and gained our respect and support. The AFB, and NAC, and the ACB are not among that number. If what you read in the *Monitor* has not convinced you of this, then it is not communicating or you are not reading. If there were no other reasons than these (and there are many), we would still have ample justification for continuing our policy of "telling it like it is" about the American Council of the Blind.

The point is that the American Council of the Blind is not just a smaller organization of blind people. Nor does it simply represent a different point of view from ours. The ACB's purpose as an organization is to undermine the efforts of the Federation. This has been so ever since the ACB's beginning in the early 1960's. The first act of the group that formed it was to attempt to destroy Jacobus tenBroek's professional academic reputation. Since then the ACB has gone after other NFB leaders, notably Dr. Jernigan. Possibly even more destructive has been the ACB's puppetlike support of the American Foundation for the Blind and NAC. This has meant that the ACB has allied itself with some of the people who are guilty of the most oppressive mistreatment of blind persons. Any group that lends its blanket support to Fred McDonald cannot be regarded as simply a smaller, weaker organization of the blind.

Many people would like to regard the ACB as small and irrelevant. The blind people who because of location or friendships belong to the ACB would prefer to believe that their membership in the organization means no more than if a person were to join Kiwanis instead of the Rotary Club. It is just not so, and it is our duty to try to wake these people up to what they are doing.

Let me end this by saying something about your feeling that the December issue at least, coming at Christmas time, ought to mend fences and preach a spirit of unity. The contents of that issue were assembled with that in mind, although the intention was more to wrap up the year by showing that our movement is unified and strong and marching toward its goals. Even though there were no direct references to Christmas, I don't believe that our activities are a blot on the celebration of the birth of Christ. If I thought they were, I would not care to be part of the Federation at any season. After all, Jesus was no milktoast or apologist for wrong-doing. St. Luke quotes him as saying: "Suppose ye that I am come to give peace on earth? I tell you, Nay; but rather division:" (Luke 12:51). Or to quote St. Mark:

"And they come to Jerusalem: and Jesus went into the temple, and began to cast out them that sold and bought in the temple, and overthrew the tables of the money-changers, and the seats of them that sold doves; . . . And the scribes and chief priests heard it, and sought how they might destroy him: for they feared him, because all the people was astonished at his doctrine." (Mark 11:15, 18)

We are taught to imitate Christ, and my idea of how to do this is to speak the truth as I understand it, and to ignore men's opinions of me for doing it. Whether I achieve this—whether as a movement we are all mis-

guided and deluded—is impossible for me to judge. But neither am I willing to accept the judgments of the officials of NAC and the ACB. According to the passage from St. Mark quoted above, it may be that we should be encouraged that men seek to destroy us.

I hope this answers your questions, and I too hope that this year produces good things for the blind.

Cordially,

DONALD McCONNELL,
Editor, The Braille Monitor. □

NEW HAMPSHIRE CONVENTION

by EDMUND R. MESKYS

The National Federation of the Blind of New Hampshire had the most successful state convention in its history on the weekend of September 23-25, 1977. We added several new features to the agenda and expanded it to include Friday evening. Attendance at the banquet was 160.

Friday evening we had an exhibit of aids and appliances, including compressed speech machines, the Optacon, and many low-vision devices. We also held a reception for the representative of our National Office, James Gashel. This was a popular event, and over 80 attended. Afterwards in the convention suite we had informal discussion that lasted all night.

On Saturday we had informative reports from all branches of vocational rehabilitation, the Department of Education, and various private agencies. Mr. Gashel gave the

report of national NFB activities, and then we retired to the convention suite for another night of informal discussion. Sunday we held our business meeting and made plans for our next convention.

We had delegates from all the northeastern states except Vermont, and this added to the excitement and interest of our convention. We plan to repeat the exhibits, reception, and hospitality suite next year, and we hope for an even bigger attendance since the scheduled speaker is Dr. Jernigan. Our next convention will be September 22-24, 1978, at the Ramada Inn in Concord. For reservations and more information, write to Ed Meskys, Secretary, NFB of New Hampshire, Box 233, Center Harbor, New Hampshire 03226. The hotel has given us very good rates. See you in Concord next September! □

RECIPE OF THE MONTH

by JOYCE SILVA

BANANA COOKIES

Ingredients

½ cup butter	1¼ cups flour
½ cup sugar	1 egg
2 ripe bananas	1 teaspoon salt
1½ cups uncooked oatmeal (old-fashioned)	½ teaspoon baking soda
	1 cup chopped nuts

Preheat oven to 375 degrees. Mix sugar and softened butter until fluffy. Slice the bananas into the mixture. Add the rest of the ingredients gradually, stirring with a spoon until the batter is smooth. Drop dough, with a round tablespoon, onto a cookie sheet, placing the cookies two inches apart. Put in preheated oven and bake 15 to 18 minutes, until golden brown. Remove immediately and place on a wire rack to cool. □

MONITOR MINIATURES □□□□□□□□

□ On December 3, 1977, the Morris County Area Chapter of the NFB of New Jersey was formed. This was an important step, further strengthening our New Jersey affiliate. The president of the new and energetic chapter is Crist Delmonico, a college student. Crist is an artist and is developing the "inner-creative visionary craft," a method for the artist who is blind. He has already achieved quite a bit of press publicity about his work. Other officers of the new chapter are Dorothy Kersey, vice-president; Anne Meshnick, secretary; Curtis Willoughby, treasurer; and Phyllis Baker and Anna Wiest, board members. Already the new chapter has been represented on three radio programs, publicizing the goals of the NFB.

□ Glenn Crosby, president of the NFB of

Texas has sent word of the deaths of two Federationists during the Christmas holidays. Mrs. J. J. Crawford died December 22 and Mrs. Idabell Sparks a week later. Both were members of the Houston Council Chapter, and Mrs. Sparks was a charter member. The chapter celebrated its 20th anniversary last fall. The movement is weaker for their loss.

□ The Kings Transcribers Library, 202 West Grangeville, Hanford, California 93430, has a number of titles, both fiction and nonfiction, available on cassette for free loan. While the catalogue is small, it includes a number of interesting books available from no other agency.

□ A 3-line, 2-inch wide rubber stamp with your name and address is available for \$1.25 from Mahoney's Gift House. Send the

PRE-AUTHORIZED CHECK PLAN (Instructions on back of the card)

I hereby authorize the National Federation of the Blind to draw a check to its own order in the amount of \$_____ on the _____ day of each month payable to its own order. The authorization will remain in effect until revoked by me in writing and until such notice is actually received.

X

Bank signature of donor (both signatures if two are necessary)

Address

We understand that your bank has agreed to cooperate in our pre-authorized check plan on behalf of your depositor. Attached is your client's signed authorization to honor such checks drawn by us.

Customer's account and your bank transit numbers will be MICR-printed on checks per usual specifications before they are deposited. Our Indemnification Agreement is on the reverse side of the signed authorization.

AUTHORIZATION TO HONOR CHECKS DRAWN BY NATIONAL FEDERATION OF THE BLIND

Name of depositor as shown on bank records _____ Acct. No. _____
Name of bank and branch, if any, and address of branch where account is maintained _____

For my benefit and convenience, I hereby request and authorize you to pay and charge to my account checks drawn on my account by the National Federation of the Blind to its own order. This authorization will remain in effect until revoked by me in writing, and until you actually receive such notice I agree that you shall be fully protected in honoring any such check. In consideration of your compliance with such request and authorization, I agree that your treatment of each check, and your rights in respect to it shall be the same as if it were signed personally by me and that if any such check be dishonored, whether with or without cause, you shall be under no liability whatsoever. The National Federation of the Blind is instructed to forward this authorization to you.

X

Date

Bank signature of customer (both signatures if two are necessary)

information to Bob and Jennie Mahoney, Mahoney's Gift House, 1285 Carriage Way North, East Lansing, Michigan 48823.

□ Beginning in April, a series of six half-hour programs will be shown on public television stations around the country. Called "Feeling Free," the programs will feature handicapped children and show that they are just children who happen to have handicaps. The program is produced by Christopher Sarson, who also produced the children's show "Zoom." A recent segment of "Zoom" that included a blind child presented a very positive image of blindness, and we hope that "Feeling Free" will accomplish its aim of familiarizing the chil-

dren who watch it with the fact that disabled people are all around them and a normal part of the community.

The producer says: "For the first time on TV, disabled people aren't considered something special because of their disabilities. Instead they are considered as people first and disabled people second. The kids rap about what they want to be when they grow up and about why people stare at them so much or ask questions in a way that hurts. They play games, engage in nonsense, and enjoy their hobbies. We visit them at home, at school, in all kinds of settings." For the exact dates of the show, check your local TV listings. □

NFB PRE-AUTHORIZED CHECK PLAN. This is a way for you to contribute a set amount to the NFB each month. The amount you pledge will be drawn from your account automatically. On the other side of this card, fill in the amount you want to give each month and the day of the month you want it to be drawn from your account. Sign the card in two places, where the X's are. The rest will be filled in by the NFB Treasurer. Enclose a voided check with the card, and mail it to Richard Edlund, Treasurer, National Federation of the Blind, Box 11185, Kansas City, Kansas 66111. Your bank will send you receipts for your contributions with your regular bank statements. You can increase (or decrease) your monthly payments by filling out a new PAC Plan card and mailing it to the Treasurer. Also, more PAC Plan cards are available from the Treasurer.

INDEMNIFICATION AGREEMENT

To the bank named on the reverse side:

In consideration of your compliance with the request and authorization of the depositor named on the reverse side, the NATIONAL FEDERATION OF THE BLIND will refund to you any amount erroneously paid by you to the National Federation of the Blind on any such check if claim for the amount of such erroneous payment is made by you within twelve months from the date of the check on which such erroneous payment was made.

Authorized in a resolution adopted by the Board Members of the National Federation of the Blind on November 28, 1974.

THE NATIONAL FEDERATION
OF THE BLIND

BY: _____
Treasurer

